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ARTHUR SCHLESINGER, JR.

THE FBI: A RELEVANT MOTION
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PANAMA CANAL: THE LOGIC OF CHANGE
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PETER STEINFELS

DIRTY TRICKS
COLIN L. WESTERBECK, JR.

JOHN COGLEY'S 'CATHOLIC AMERICA'
PAUL R. MESSBARGER

POST-CONCILI… A M… E

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NEWS & VIEWS

Selling the Services

The military, which will be without a draft law after June 30 for the first time in more than 30 years, is beefing up its ties with the wonderful world of advertising. Madison Avenue, thus, is being conscripted to do for the "New Volunteer Army" what the draft did for the Old: keep the ranks filled. The price tag is $80 million-plus.

That's the amount figured for Madison-Avenue advertising in budget proposals before the House Appropriations Committee. The sum breaks down to $34 million for the Army, $24.9 for the Navy, $17.1 for the Air Force, and $7.4 for the Marines. The good news for Madison Avenue is contained in the trade journal *Advertising Age*.

AA hasn't the line yet on where all the $80 million is going, except it figures the J. Walter Thompson agency will get a pretty good hunk; word is that the Marine Corps plans to stick with the agency that has masterminded its recruiting for the past 27 years.

J. Walter Thompson, incidentally, is the agency that launched the career of ex-Presidential chief of staff, H. R. Haldeman. Haldeman zoomed upwards selling products such as Seven-Up, Sani-Flush, Griffin shoe polish and Black Flag insecticide. White House press secretary Ronald Ziegler also is an alumnus of J. Walter Thompson.

The Army, for its part, has turned to Illinois Bell, and is using IB's "Telephone Power" course in the training of telephone recruiters at Fort Benjamin Harrison, near Indianapolis. At the same time the Army has published for recruiters a glossy booklet entitled "More Telephone Techniques to Pull in More Recruits." Sample dialogue from same:

Young Man: "Is this a joke?"

Army Recruiter: "No, this isn't a joke. Your future is no laughing matter."

Guilt by Association?

Sweeping scandals frequently claim their innocent victims, and if a *Washington Post* story of May 3 is accurate, one of the innocent victims of Watergate may be the replaced Attorney General, Richard Kleindienst.

This, from a story by *Post* staffer Sanford J. Ungar under the headline, "Kleindienst's Night of Awakening":

"Kleindienst conferred repeatedly with his closest aides and associates, sounding them out and encouraging them, as is his wont, to state the pros and cons of whether he should leave the department.

"The consensus, a reluctant one, was that he should.

"Last Sunday [April 29], Kleindienst again asked to see the President, and he went to Camp David, where Mr. Nixon was writing his speech to the nation.

"Announcing on arrival his conclusion that he must resign from the Cabinet, Kleindienst found that the President had simultaneously and independently reached the same decision.

"It was agreed that the resignation would be formally tendered, accepted and announced on Monday [April 30].

"Kleindienst refused yesterday to discuss other resignations or the matter of his departure being announced at the same time as those of White House aides John D. Ehrlichman and H. R. Haldeman.

"But other Justice Department sources said that it came as a complete surprise when the resignation of Kleindienst, who is understood to have no involvement with the Watergate affair, was revealed in the same announcement with the other three, who apparently are involved.

"That insult has made Kleindienst's current situation even more painful than might be expected."

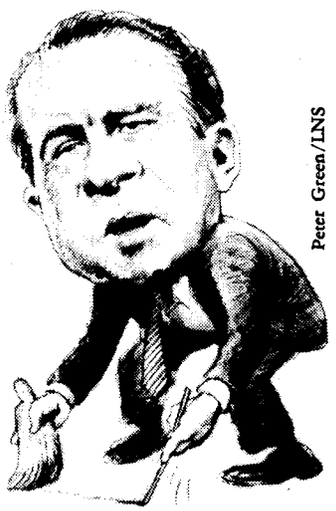
Frankenstein Lives

The Permanent Council of the French Episcopate and the Protestant Federation of France have issued a joint statement excoriating France's involvement in the arms trade. (France has 270,000 armament-industry workers, and is the world's third largest arms merchant, ranking behind the U.S. and Russia.) It is said to be the first time the churches have taken a common, unequivocal position in France on a subject directly concerning national policy.

The statement demanded that public authorities take steps to pull France out of the "diabolical machinery" in which she is "caught." Despite all the arguments based on national defense, the statement added, present policy does not correspond to "the basic needs of man."

A similar note was struck by Canada's Cardinal Roy, president of the Pontifical Commission on Justice and Peace, in a commentary marking the 10th anniversary of *Pacem in Terris*:

"The astounding budgets affected by [the arms race] are a misappropriation of funds and a squandering by the rich countries, and constitute an aggression towards nations and disadvantaged social groups. . . . Whether it is a question of nuclear or conventional arms, or of big or small powers, the armaments race has become a cumulative process with its own dynamic, independent of aggressive sentiments, and has escaped the control of the states. It is a Frankenstein gone mad."



Peter Green/LNS

Odds and Ends

—A Rockford, Ill., man has written the principal of Marian High in South Bend, suggesting that those blank spots in the yearbook resulting from the censoring out of boys with long hair [May 4 News & Views] be filled with photographs of "short-haired impeccable establishment gentlemen" who "should serve as an inspiration." He enclosed photos of Haldeman, Ehrlichman, Dean.

—Outgoing CIA director James R. Schlesinger complained to a Senate committee that CIA spies are becoming too old and too numerous, and that some spies have come to look upon their jobs as "a sinecure." Among problems created by this situation, according to Schlesinger: there is little room for promotion of aspiring young spies.

—Under prodding from the Student Peace Union and the Campus Council, Fordham University will offer a "Vietnam Reconciliation Scholarship" to, among others, one "who has witnessed to the power of nonviolence by becoming a conscientious objector," or who, "following the demands of conscience, has nonviolently resisted the draft in prison or exile." The prodding came after Fordham had granted a scholarship to a POW or dependent of a MIA, on the proposal of the YAF and campus Republican Club.

—In German, the word *erhlichman* means "honest man."

JOHN DEEDY

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CORRESPONDENCE

Cuba Libra

Sydney, Nova Scotia

To the Editors: As one who has visited both the United States and Cuba in recent years, I find Paul J. Baicici's letter objecting to your editorial [Apr. 27] simplistic in the extreme. Unlike Brazil, torture is not an instrument of government in Cuba. It is true that there have been no elections. It is also true that there were elections under Batista, when torture was also an instrument of government in Cuba.

It is a distortion if not a lie to speak of "the imprisonment of students and the enslaving of the working class" in Cuba. And while one may sympathize with Padilla, it was possible to obtain a volume of his poems in Havana in 1969, as a friend of mine did.

Opponents of the regime speak freely to strangers in Havana. I was told by one lady that the country had gone to the dogs since "they let the niggers in everywhere now." Perhaps I distort in translation, she said "negroes." But the tones were unmistakable.

Given the hard choice, I am not sure whether I should prefer living in Cuba or the U.S.A. If I were black, the choice would be easier. Life is difficult in a besieged society, and the harassment by the U.S. has not been limited to the blockade.

JORDAN BISHOP

Tax Credits

Jessup, Md.

To the Editors: As an uncompromising opponent of governmental aid to church schools, I noted Thomas R. Mullaney's "Tax Credits and Parochial Schools" [Apr. 27] with interest. I commend Mr. Mullaney's willingness to mention some of the reasons why so many people, Catholic and non-Catholic, are very much opposed to such aid.

All the campaign talk about a crisis

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REMOVING NIXON

As the Senate Watergate hearings begin, it is time to speak seriously about removing President Nixon from office. The proper exercise of the Presidency, Franklin D. Roosevelt said, is moral leadership. If the present trend of disclosures and indictments continues, the President's claim to moral respectability will be so destroyed and his capacity to lead so crippled that his very presence in the White House will be a national embarrassment.

He was foolish to pretend, as he did in his April 30 Uriah Heepish "son-of-Checkers" speech that he was the helpless, overworked victim of his subordinates' zeal. If he knew nothing of the sabotage, espionage, perjury and fraud that has emanated from his own offices for years he is an incompetent— a bungler whom any private corporation (like ITT) would bounce in a minute. If he has made the inner chamber of his office a soundproof bunker where he must retreat from bad news and criticism, the willing prisoner of his Junker guards, we might question more than his judgment. If he knew what was going on—and we believe he did—he either directed or connived in the most far-reaching attempt to undermine the democratic process in our history.

Nixon marched into office in 1968 trampling the reputation of Ramsey Clark and promising a "new Attorney General in Washington." Today his "new Attorney General"—along with his Secretary of Commerce and chief fund raiser—is under indictment for conspiracy and perjury. He has sternly preached that criminals deserve no pity and war resisters no forgiveness. Now he would make himself an object of pity and implicitly plead for a forgiveness that would let him off the hook to pursue his Administration's new-found humanitarian goals.

Yet Nixon is the one who ordered the investigation that led to the burglarizing of Daniel Ellsberg's doctor's files; who tried to suppress the details of the burglary; who ordered the tapping of journalists' phones; who, according to published reports, congratulated John Dean on his cover-up role, ignored L. Patrick Gray's July warning of a cover-up, and may have sanctioned the promise of executive clemency for a silent James McCord. Significantly, the carefully worded Florida White House statement of May 7

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did *not* deny that Nixon was aware of the cover-up.

This President has swollen his personal power beyond what either the founders intended or our liberties can bear. In his grand "journeys for peace" followed by long helicoptered withdrawals to Camp David, Key Biscayne and San Clemente, in his compulsive need to impose his Presidential presence on astronauts, football players and POWs, and in his odd practice of referring to himself as the most powerful man in the world, he seems to have lost the proper distinction between his office and himself. He fancies himself Wilson or DeGaulle. Yet he has become more truly Harding or Franco. Fortunately one of the deepest American traditions is to rebel against the abuse of power, and the healthiest American attitude toward authority—as journalists from Tom Paine to Anthony Lewis have shown—is to deflate it. A high office, by itself, cannot make a man worthy of respect. If he forfeits his respect, he should leave the office.

The evidence is mounting that Richard Nixon may be an illegitimate President. Yet Melvin Laird has said that if the President is guilty he doesn't want to know about it. Laird had better listen to Senator Howard Baker who has bluntly declared that if the President is involved he will certainly be impeached. It has been argued that our system is too fragile to withstand the conflict of impeachment, the shock of a resignation, or three years of President Spiro Agnew. We might better ask whether our system can stand this idolatrous concept of the Presidency. It was not devised so that it would rise or fall on one man. The present investigations, even if they lead to impeachment proceedings, can serve to reinvigorate our national character, restore the proper roles of Congress and the courts, and—perhaps most important—revive the confidence of the young by demonstrating most dramatically that *no* man is above the law.

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Panama Canal: The Logic of Change

Revision of the Panama Canal treaty is an idea whose time has come. The logic of change, sought by Panama and accepted by the United States, should be overwhelming. Instead, it is a matter of contention between them, increasingly acrimonious and potentially dangerous.

In March of this year, Panama arranged to have the United Nations Security Council meet in Panama City to consider the matter in international debate. Not by chance, March was the month in which Panama's Ambassador Aquilino Boyd was Council President. The United States resented what it called a rigged scenario, a misuse of the Security Council to apply pressure to continuing, private negotiations of a new Panama Canal treaty. There was, however, no way of preventing the session, since a large majority of the members favored it. Last year, the Council met in Addis Ababa to discuss African questions which have for years been on the Council's agenda. Next year it may well meet in Asia. Some countries want it to have a session each year in some region with which it is or ought to be concerned.

Nothing is more likely to evoke a sympathetic response from a majority of the Council than the charge of colonialism. The Asian, African, Latin American and Communist members can be counted on to join, if not outbid each other, in denunciations of this loosely defined phenomenon, and Panama's strongman, Gen. Omar Torrijos Herrera, put his case in those terms. The Canal Zone, he declared, was a colonial situation and a unique, especially painful one. Its almost 600 square miles form a belt ten miles wide that cuts Panama in half. It is in

The FBI: A Relevant Motion

WHEREAS, the nomination of L. Patrick Gray to be Director of the Federal Bureau of Investigation has been withdrawn, and

WHEREAS, reconsideration of both the role of the Director and the nature of the Bureau in American society is now appropriate, and

WHEREAS, legislation to create an "independent" Bureau has been proposed, and

WHEREAS, the Bureau combines both law enforcement and surveillance functions, both made possible by the existence of a sweeping variety of federal laws punishing acts from interstate auto theft to conspiracies to overthrow government, and

WHEREAS, the "politicization" of the Bureau under L. Patrick Gray on behalf of an intensely partisan President is as undesirable as was the complete "insulation" of the Bureau from "politics" (i.e., democratic control) under J. Edgar Hoover, and

WHEREAS, the last WHEREAS demonstrates the existence of a paradox virtually unsolvable by traditional remedies, and

WHEREAS, there exist other—often more effective—federal police agencies operating under authority of other federal criminal laws, and

WHEREAS, the public myth that the Bureau is the only effective law enforcement agency in the federal government has been severely undermined by cases such as Watergate, the Media, Pennsylvania thefts, and the Berrigan trial, and

WHEREAS, the real problem of the Bureau relates to size and swollen jurisdiction rather than either "politicization" or "independence," and

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every sense a United States enclave, with its own laws and administration. Its civic life and economic structure are centered on the operation and defense of the Canal and are separate from that of Panama. American officials are quick to point out that the Panamanian economy has profited from the Canal, whose salaries to Panamanians and purchases of goods and services directly and indirectly account for nearly one-third of Panama's gross national product. But accounting arguments do not still the Panamanians' demand that the present regime be ended and the Canal together with the Zone handed over to them.

The Canal Zone does not look like a problem. To hear it described as a festering remnant of colonialism strikes one as wildly overdrawn. Most of it is fully accessible tropical hill country with the Canal forming a chain of lakes and locks. Its 45,000 people live in towns that seem like a cross between suburban America—say, Florida or the Gulf Coast—and an army post with shopping centers and bowling alleys, clean streets, neat lawns and pretty houses. But the big buildings, the army barracks and the administration centers, tend to have a Teddy Roosevelt quality about them. So does the outlook of most of the Americans who make up 85 percent of the Canal Zone population.

There is nothing sinister about the so-called Zonians (some of them third- and fourth-generation descendants of recruits from the U.S.) or about the stagnant life in a gilded cage in which they have come to have a vested interest. Whatever racism or elitism there is in their relations with Panamanians appears to be incidental. Official economic discrimination has been markedly re-

---

WHEREAS, separation and dilution of law enforcement power on the federal level, especially where such power encompasses both investigation of criminal acts and generalized surveillance, is an important and traditional democratic political and moral principle,

IT IS MOVED THAT

1. Congress critically examine the present jurisdiction and authority of the Bureau with the object of determining (a) whether other federal investigative and police agencies are more appropriately suited for certain tasks (b) whether one or more new investigative agencies to be housed in appropriate cabinet departments are necessary and (c) whether certain functions of the Bureau—*i.e.,* collection and dissemination of general information files and of criminal intelligence information (such as that used to compile the Uniform Crime Reports)—should be allocated to other agencies, both extant and new.

2. Congress consider what type of information concerning the criminal or potential criminal activity of individuals should be "centralized" and made available to all federal (and perhaps state) investigative agencies and just what type of information should remain "decentralized" within the various police and investigative agencies now in existence or to be created.

3. Congress formulate specific proposals to limit the number of detectives responsible to various cabinet departments and establish an organizational table to insure continuing, close, and critical supervision of said detectives by secretaries or undersecretaries of said departments.

4. Congress insure that in enactment of future criminal legislation no one agency is to be given a vastly disproportionate authority to enforce and investigate violations or potential violations of said laws, and

5. Congress, by joint resolution, endorse and reaffirm the general sentiments voiced by the 60th Congress in 1908 on the subject of centralized federal police agencies, especially the following comments:

> "Nothing is more opposed to our race than a belief that a general system of espionage is being conducted by the General Government" (Congressman Smith).
>
> No general system of spying upon and espionage of the people, such as has prevailed in Russia, in France under the Empire, and at one time in Ireland, should be allowed to grow up" (same)
>
> The only question before the House is whether we believe in a central secret-service bureau, such as there is in Russia today. . . . It would be a great blow to freedom and to free institutions if there should arise in this country and such great central secret-service bureau. . . . (Congressman Waldo).

and that Congress recognize the necessity of close supervision of the activities of such agencies, as evidenced by the following statements:

> [It is necessary to] hedge about all such service with all the safeguards essential to the preservation of the people's liberties (Congressman Sherley).
>
> The Attorney-General [et al] knows, or ought to know at all times what they are doing. . . . [This] is indispensable to a proper control of a force of this description (Attorney General Bonaparte.)

Is there a second to the motion? ISIDORE SILVER

(Isidore Silver is associate professor of Constitutional Law and History at the John Jay College of Criminal Justice in New York City.)

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duced and Panamanian access to higher-paid jobs considerably increased. But there is never any mistaking where the power lies. Panamanians do not get security jobs; pilots—one of the top categories—must be certified by the U.S. Coast Guard and the Coast Guard certifies only Americans. The old days of Gold and Silver wage scales are gone. The original treaty of 1903 has been revised twice, in 1936 and 1955, to remove its most strikingly anachronistic powers of intervention in Panama's life. Yet the Canal remains a thorn in Panama's flesh, a self-generating issue with appeal across the social scale, from pro-American oligarchs to upcountry nationalists.

Negotiations toward a new Panama Canal treaty have been carried on sporadically since the bloody riots of January 1964. The United States has conceded certain basic points which, to be sure, could hardly have been held back. It acknowledges, for instance, that it cannot have its 1903 treaty rights, or any at all, in perpetuity. Additionally, it recognizes that Panama has sovereignty over the entire territory. The U.S. is prepared to give Panama a considerably larger annual payment than the not quite $2,000,000 it has been making for use of the real estate. There is little doubt, furthermore, that the United States is ready to liquidate the Southern Command, with its 11,000 soldiers (mostly service and logistical) and its various training schools which have been criticized as agencies of imperialism and counterrevolution. Gen. Torrijos, incidentally, is an alumnus of one of the schools. But in return for concessions—and they are just that in strictly legal bargaining terms—Washington wants for a long while to retain full authority to operate and defend the Canal. Alas, this authority to have practical meaning must be quasi-sovereign. The suggestion therefore arouses all the suspicious opposition directed at the original treaty.

Panama wants immediate jurisdiction over all Panamanians in the Zone, gaining step-by-step authority over the entire territory. Where the United States is bargaining a complex formula, including an option to build a hypothetical sea-level canal, in order to retain control of the Canal till the end of this century or well into the next, Panama wants to take over operations of the Canal within 20 years and enjoy the proceeds of its greatest national asset. It argues that Panama has at least as strong an incentive as the United States to keep the Canal open without robbing the customers. As regards defense, it asserts that it can cope with sabotage while the United States can deal with strategic threats at least as well from its own bases. The worldwide strategic deployment of American military power no longer hinges on the Panama Canal.

Drawing up a balance sheet of relative merit in the Panamanian and U.S. cases is futile. This is a human bargaining situation and the decisive factor—which emerged pretty clearly during the Security Council session in Panama City—is that neither side trusts the other. A relationship between the United States and an undeveloped Central American country of about one and a half million people, interesting only because it is a traversible isthmus 50 miles wide between the Atlantic and Pacific Oceans, is not likely to be easy. There is inevitably something shrill about the way the smaller party asserts its rights and exasperation in the ponderous way the larger plods through his legal brief. The Panamanians complain that the United States negotiates with them as it does with the Soviet Union. American officials, for their part, were annoyed by the Security Council gambit and resentful at what they pictured as an effort to blackmail them. That was a strange telephone call to the U.S. Embassy by the chief Panamanian security colonel on the last day of the Council session. The diplomatic struggle in Panama City had focused on a resolution which would call for a new Canal treaty and recommend that it contain certain uncontroversial principles. Regarding this nevertheless as UN interference in bilateral negotiations, the U.S. threatened to use its veto. The colonel called to say that if Ambassador John Scali voted no he should do so at the airport on his way out because the people and students of Panama would never understand his action. Coming shortly after the murder of two U.S. and a Belgian diplomat in Khartoum, this singular malapropism did not go down very well. In general American negotiators say that Panama does not deal with Washington nearly as skillfully as Mexico, for instance, which takes a tough independent line and works on what the traffic will bear but never publicly affronts the United States.

Perhaps Panama has reconsidered its strategy. It did not raise the Canal issue at the meeting of the Economic Commission for Latin America which followed the Security Council session in Panama nor at the General Assembly of the Organization of American States in Washington early in April. But it has threatened to bring it to the UN General Assembly in the fall. Torrijos has warned that his people's patience is running out, and has on occasion promised to lead them into the Canal Zone, yet there is no urgent time-factor in this problem. Torrijos is firmly in power. Popular patience is likely to last as long as he says it should. But time is by no means a negligible quantity. The United States must not assume that it has forever to haggle out a lawyer's masterpiece. The best use to which time can be put at this stage of the game is to rest jangled nerves and heal lacerated egos. Then it should be possible to work out a new regime for the Canal which will keep it open and operating economically. Transit will certainly cost more than now, with the 1903 rates still in force, but in a world of rising prices why should the Canal be an exception?

RICHARD C. HOTTELET

(Richard C. Hottelet is the United Nations Correspondent for CBS News.)

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SCANDAL OF A POLITICAL PHILOSOPHY

PETER STEINFELS

"THE LORD hath delivered him into my hands," whispered Thomas Huxley to a companion when Bishop Wilberforce, in the course of a famous debate over Darwinian evolution, tossed out an arrogant and gratuitous jape about the apes in Huxley's lineage.

A lot of liberal Democrats must be whispering something similar to themselves each day as they scan the headlines. Given the amount of piety which has dripped from the White House in recent years, about law and order, morality versus permissiveness, and respect for the high office of the Presidency, it would take some sort of transcendental priggishness not to enjoy the relentless exhumation of all these official misdeeds.

Still, there comes a point when seeing those contemporary Canutes (utterly confident, unlike the original, that the sea would never rise) now scurrying like rodents for dry land ceases to be amusing, or rather the glee boils away into a sick feeling at the pit of one's stomach. The Attorney General, by his own admission, engaging in repeated discussions of whether and how far to break the law; the head of the F.B.I. acting as though he were a personal servant of the President and the White House staff; the Republican campaign staff mounting an extensive, well-oiled, well-financed effort to interfere in the Democrats' choice of a Presidential candidate; the production and discreet circulation of forged diplomatic documents; the Committee to Re-Elect the President brazenly passing around suitcases full of cash, destroying records, and refusing to testify about compliance with election laws; the intimate interlocking of a partisan political staff, the President's personal advisors, and elements of the espionage sub-culture—all this suggests a government closer to that portrayed in the movie *"Z"* than in our civics textbooks.

Everyone now realizes that Watergate and the whole messy web of operations that word represents were no "third-rate burglary." They were not even a first-rate burglary. They were unlike so many political scandals, which, for all the juicy details provided to the opposition, are by and large the simple product of personal avarice or power-hunger, in short, of Original Sin, a commodity which one can bet on as a constant in political affairs, pretty much spread evenly among all contending factions.

Not that avarice and power-hunger did not play a part in the actions of the Crewcuts so recently banished from the White House; but I believe that in certain important regards the Watergate scandal is not simply a scandal of men or a scandal of the attitudes reigning in the Administration's inner circle, though it is both of these as well, but ultimately a scandal of a political philosophy. There is a logical relationship between what has happened and the fundamental principles of the Nixon Presidency.

The Nixon Administration took office with the conviction that the country had to be cooled down, and what is more with the belief that the turmoil of the '60s was not due to genuine problems but to the agitation of small elites who could inflame the populace almost at will. In effect, this outlook constituted a profound vote of no confidence in working democracy. True, the Administration looked to a "silent majority" as a reservoir of support; but the point was precisely that this majority was silent: the political processes, the Nixonites reasoned, were dominated by what, if candor and a revival of 18th-century vocabulary had allowed, they would have termed the "mob." Social and cultural restraints, which had always buttressed the law in holding the "mob" in check, had disintegrated during the '60s; thus, the famous "permissiveness." The main agents responsible for this "permissiveness" were, first, the media, second, the courts by their libertarian rulings, and, third, the Congress through funding the Great Society social programs. These were therefore the targets of Administration strategy. The idea was simply that American society is too volatile for its own good, and that some new control had to be exercised over it. This control had to be more than legal; pressures were to be exerted from the top in establishing tighter boundaries on what was to be considered "responsible." To do any less was an abdication of the leadership task given to those who represented a "silent majority" against a vocal "mob."

Such an outlook, however distrustful of democratic government, does not necessarily imply the kind of criminal acts we have been discovering, although it should be pointed out that what has now shocked the nation is only an extension to the political establishment of practices of spying and sabotage which were regularly deployed against student radicals and black militants, and that in those cases the public generally acquiesced in paying this price for a little peace and quiet.

What the Nixon Administration's political philosophy does necessarily imply is a situation in which official connivance in crimes like Watergate *et al.* would be extremely difficult to ferret out and repair. The three sources of American instability in the Administration's view have been precisely the three sources of the exposure of Watergate. Had the Administration succeeded in bringing the press, the courts, and Congress to heel, we might still have only rumors and "irresponsible" conjectures about what occurred; and indeed there is

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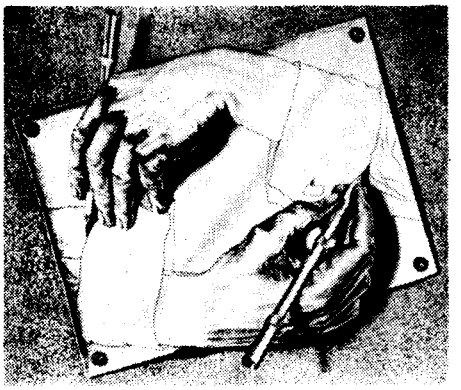
THE RIGHTS OF REPORTERS

THOMAS POWERS



The danger is of compromising the First Amendment while trying to protect it

I have never been called by a grand jury but I have thought about it from time to time, just as I once wondered what I ought to do if I were called back into the Army and ordered to Vietnam. My reserve obligation ended before that happened and the chances are good I'll never be subpoenaed by a grand jury, either, but the situations, and the questions they raise, are not so dissimilar. In both cases the state insists it has certain rights which the individual, for what come down to reasons of principle, is not altogether willing to concede.

Last summer I met a Havard professor named Sam Popkin while I was working on a long article about surveillance. He had been subpoenaed by a federal grand jury in Boston which was investigating Daniel Ellsberg. "I don't even know what they're after," Popkin told me. "I don't know anything about the release of the Pentagon Papers and I told them that, but they wanted to ask questions like, who do you know who *might* know about the Papers? Who have you talked to about subjects discussed in the Papers?"

Popkin has been studying Vietnam for years, sometimes on his own, sometimes for the government. He has talked to dozens of scholars and Defense Department consultants in the course of his work, any one of whom *might* know something the government would like to know. Popkin felt the prosecutor was just looking for leads and he refused to cooperate, for which he was later held in contempt and then jailed for a week last December.

After talking to Popkin it occurred to me that the questions he was asked would be just the sort the government might like to ask of me. In the course of writing about the radical and antiwar movements over the last five or six years I have probably learned a few things which federal investigators and prosecutors might want to know. Nothing very important, really, just details they might fit into a larger picture, lines of investigation they might have overlooked. I wrote a number of news stories and later a book about the Weathermen, for example, and although I had no idea where the FBI might find Mark Rudd and Bernardine Dohrn, I did know people who had known them, places they might have gone, ways they might have raised money, groups that might have been helping them. On February 19, 1971, two FBI agents called me about some news stories I had written for United Press International. I said I had already published everything I knew but they said they'd like to drop by anyway and I said all right.

After they arrived I realized that what they really wanted to do was sit around and bullshit for a couple of hours, talk over the old days at Columbia in 1968, what things were like now in movement circles at Berkeley and the University of Michigan. Where was so-and-so and what was he doing? Whatever happened to such-and-such a group? Who did I call when I wanted to know what was going on? The agents didn't have any better leads, apparently, and thought I might know something useful without knowing I knew it. I was unwilling to ramble on in that way and the meeting ended after a few minutes. The agents thanked me politely and left. I'm sure every journalist who has written similar stories has had a similar experience.

As everyone knows, the FBI has no powers of sub-

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poena. No one has to tell them anything. But what would happen if a grand jury ordered me to appear and began to ask a lot of broad questions of the sort the two agents wanted to ask but couldn't? The sort of questions a Boston grand jury asked Sam Popkin? Did they have a right to ask me those questions? Did I have an obligation to answer? Should the government have the power to jail me indefinitely if I refused to reminisce under oath until the prosecutor's curiosity was finally satisfied?

Journalists claim that the government has no right to do anything which would seriously limit their ability to gather news and that forcing them to answer the questions of grand juries and other legal authorities would have precisely that effect. In mid-February the Reporters Committee on Freedom of the Press released a list of 30 incidents over the last few years in most of which grand juries, legislative committees and judges attempted to force journalists to surrender notes or identify sources. The circumstances vary in each case, of course, but the overriding impression one gets in reading through the list is that the purpose of the authorities was usually intimidation, and that the practical effect of their inquiries would be to isolate journalists from the only people who can tell them what they need to know. Telling a journalist that sure, you're free to talk to anyone you like, so long as you tell us who it is, is like saying to a publisher you're free to print anything you like, so long as it's in four-point type on 100 percent rag paper and you don't sell ads. It preserves the form without the substance.

Last June, in the Caldwell case, the Supreme Court took a contrary position but invited Congress to pass legislation which would have clarified the situation. More than 40 bills have since been filed in Congress to guarantee the rights of reporters, but the issue, and the bills themselves, are so complex there is a distinct danger Congress may compromise the First Amendment while trying to protect it. The problem is to write a bill which would protect a newsman's right to keep his sources confidential, which almost everyone agrees is essential to a genuinely free press, without giving journalists a unique right to refuse to testify about anything, anywhere, under any circumstances. Before trying to decide just how broad a shield law ought to be, however, it is worth considering why the legislation suddenly became necessary in the first place. Grand juries, legislative committees and judges have not been granted any new powers, and yet they are doing things they have never quite done before. Why is there a problem now?

The hardest thing to do in a position of this sort is to recognize clearly what is happening. The Nixon Administration has attacked news media repeatedly over the last few years as hostile and biased, quick to criticize and grudging with praise. In fact, however, journalists are generally a trusting lot. They may not believe politicians about the little things, like their stated reasons for seeking higher office, but journalists are often slow to see and name larger trends in events. When Lyndon Johnson went to war in early 1965 he naturally insisted that was the thing furthest from his mind. A quick look at the newspapers of the time will show that journalists, with very few exceptions, took him at his word. It was only later that they slowly realized well, whaddya know, Wayne Morse and I. F. Stone were right all along, the old scoundrel was going to war after all.

This trusting tendency is now at work with regard to the First Amendment. Walter Cronkite has publicly insisted there is a virtual "conspiracy" in high places to severely limit, if not repeal, the First Amendment, but very few journalists or officials have publicly agreed with him. Far more prevalent is the view that the current conflict is simply another round in the old struggle between the government and the press, "a good, sound have-at-each-other" in the words of one leading editor, something like a World Series in which the loser can look forward to next year. There is a good deal of evidence, however, that the Nixon Administration is trying to ensure there won't be a next year.

Much of the public argument has centered on charges by Vice President Agnew ("impudent snobs") and Clay Whitehead ("ideological plugola," "elitish gossip") that the news media are biased. This is a serious charge and of course it deserves serious refutation, but it tends to obscure the Administration's less dramatic but more important efforts to change fundamentally the relationship between the government and the press. A good example is the Ellsberg prosecution, which is intended not only to dissuade federal employees from following his example, but also to assert a proprietary right over the information in official documents. The government concedes that Ellsberg did not actually steal the Pentagon Papers themselves but it charges that he stole the content of the Papers, the words themselves. If the government is successful in this claim journalism will never be the same again. Making a Xerox copy of an official document would be theft. Accepting such a copy would be receiving stolen goods. Printing the text of the document would be a form of complicity in the crime. In effect the government would have even greater control over its internal documents than a writer has over a work he has copyrighted. Newspapers could print, and the public discuss, virtually nothing except what it had been told officially. Can anyone doubt why the government would like to have such a proprietary right over its documents?

One of the enduring themes of Nixon's Presidency has been a vigorous defense of govenmental authority. His Administration struck forcefully at the radical and anti-war movements during its first two years in office. It insisted that popular protest (while certainly Constitutional) would have no effect on the conduct of the war

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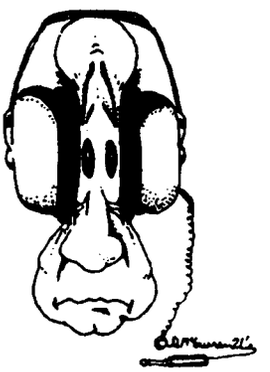
in Vietnam and that the authority of his office alone was all the President needed to stop and start the bombing as he saw fit. The Administration has been quick to dismiss its own officials, including one member of the Cabinet, when they resisted its policies. It has attacked critical journalists by name, not solely on the merits of their arguments, but personally as well. It has threatened public-interest law firms with the loss of their tax-exempt status. It has threatened television stations with the loss of their licenses. It has retaliated against newspapers which it felt were pressing certain stories too hard. It has worked to defeat politicians in the President's own party when they did not support him. It is possible that Nixon and high officials close to him had nothing to do with the Watergate affair but at the same time the vigor of that spoiling operation was certainly characteristic of Nixon's Administration in other fields. Nixon has claimed extraordinary power over public spending, has bypassed the Congress in re-organizing the government and has retaliated harshly when foreign leaders have presumed to criticize his actions. Similar things have been done by other Presidents, of course, but it still ought to be clear that Nixon is jealous of his authority, far from tolerant of opposition and not overnice in his response when he feels his prerogatives are at stake.

The subpoena of reporters, then, ought to be seen as only one facet of a wider attack on the press, and that in turn part of a still broader effort to assert the authority of government, secure its freedom to act and quiet, if not altogether silence, its critics. For this reason the attempt to drive a wedge between reporters and their sources ought to be resisted as if it were an attempt to repeal the First Amendment entirely. The situation is already much worse than it was even a year or two ago. Journalists think three times about certain stories and are seriously hindered in pursuing others because potential informants do not trust promises of confidentiality. A few cases on the front pages of newspapers will go a long way and there can be very few public officials at any level who do not know that a reporter's promise of anonymity may be tested in jail. Exposure as the source of embarrassing information can cost a man his job, and if some will take the risk anyway, many will not.

As a result, any bill protecting a journalist's right to conceal his sources ought to be broad. It has been suggested that a broad bill would lead to abuses by failing to define who is a legitimate journalist and by granting those who are an opportunity to make wild and irresponsible charges with impunity. These, however, are precisely the questions best determined in each individual case by a judge or jury. It is not likely that the members of a Mafia family would find themselves protected for long by a press card issued by the *Italian-American Civil Rights League Weekly*. In a libel case a jury would be free to find that a journalist had not made a good-faith effort to determine the truth of a "confidential informant's" claim that Governor X had plundered his grandmother's trust fund. In a recent case a reporter for *Life* was not required to identify the sources of his charge that the mayor of St. Louis was involved with gangsters since he could prove that he had worked hard to corroborate those claims independently.

The major sticking point in writing a broad bill seems to be Congress' fear that journalists might protect criminals. The bill currently supported by Senator Sam Ervin, the chairman of the Judiciary Subcommittee on Constitutional Rights, would allow a journalist to protect his sources unless he had personally witnessed a crime or received the confession of a criminal. The problem, of course, is that there are crimes and there are crimes. Smoking marijuana, for example, is a crime. So



is conspiring to cross state lines with intent to incite a riot. The makers of *Deep Throat* may have committed a crime. Dr. Spock was once alleged to have committed a crime by holding a press conference in New York. The Indians at Wounded Knee no doubt committed a crime a minute. Was Daniel Ellsberg confessing a crime when he talked to journalists about the Pentagon Papers? What about all those crimes witnessed by reporters inside Attica? Who will tell journalists the full truth about Watergate, if not those involved in the crime? Ervin realizes that his provisos seriously weaken his bill, but he does not believe Congress would pass a bill without them.

Some journalists and lawyers believe that no bill would be better than a limited bill, but this would leave reporters entirely at the mercy of courts which have already indicated where they stand. A more useful position might be the assumption that some protection is better than no protection, that any explicit limitation of the government's right to compel testimony from journalists is a good thing, so long as such limitations are not conceded to be the only limitations. For the rest reporters must continue to insist, as they do now, that the Supreme Court's ruling in the Caldwell case was wrong, that the First Amendment guarantees (even if it does not yet adequately protect) their right to work independently, and not as just another arm of the law.

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Journalists need a shield law, the broader the better, but they cannot depend on it alone. Hostile prosecutors and judges would certainly look for, and quite likely find, ways around the broadest of shield laws, just as they have in the states which already have them. In cases where shield laws prove inadequate, the only recourse of journalists is principled resistance.

Sometimes legal authorities infringe upon freedom of the press and sometimes they don't. The nature of the situation can only be determined on a case-by-case basis and the journalist in question, is, ultimately, the one who has to decide. This is not much comfort to journalists facing jail for doing their job but they have no alternative. Young men drafted at the height of the Vietnam war had no legal right to refuse to serve in that particular war but they had the moral right to do so, just as journalists have a moral right to resist the state when it wrongly insists on knowing the identities of those to whom journalists have promised anonymity.

I am not suggesting a willingness to go to jail as a gratuitous moral gesture. The practical effects can be quick and considerable. Sam Popkin's week in jail did more to publicize the misuse of grand juries than all the articles and law school symposia which preceded it, just as the jailing of William T. Farr for 46 days in Los Angeles focused attention on what it means to demand the identity of a journalist's source. If Popkin and Farr had submitted with only a protest, however eloquent, who would have been listening? Following such a strategy may mean that some journalists will go to jail for a long time before the current struggle with legal authorities comes to an end, but submission would mean something still worse, the end of journalistic freedom as we have known it. Constitutional rights sometimes have to be defended at personal cost, and this seems to be one of those times.

POST-CONCILIAR CATHOLICISM: GERMANY

A MIXED PICTURE

ADOLPH SCHALK

In Tübingen, star theologian Hans Küng summed up the activity of the German 1972 Synod as "comparable to an automobile motor running full speed, with the shift in neutral." Elsewhere, that doyen of German theologians, Karl Rahner, S.J., commented on the demise of the progressive-lay-edited Catholic weekly, *Publik,* when the German bishops discontinued financial support in 1971. "It is only one out of many symptoms," he said, "that reveal the secret intention of German Catholicism to march right back into the ghetto."

In Cologne, Archbishop Josef Cardinal Höffner publicly declared that Catholics may not vote for any deputies (referring primarily to Willy Brandt's Social Democrats and their coalition partners, the Free Democrats) who support legalized abortion. The well-known moral theologian Norbert Greinacher is being threatened with boycott at future Church conferences unless he backs down from his support of abortion "up to three months' pregnancy."

In Augsburg, Bishop Josef Stimpfle removed a pastor from his parish because he concelebrated a Catholic-Evangelical worship service. Dr. Wolfgang Bender, laicized former student chaplain in Frankfurt/Main, stated in his "farewell sermon" that he no longer believes in the effectiveness of the progressive SOG (Solidarity Groups). "Catholic reformers," he said, "underestimated the power structures of their Church and overestimated the so-called spirit of Vatican II."

At the top, the authoritarian image of the Church stubbornly persists, while disillusionment spreads below. And in between, resignation and accommodation, those twin symptoms of impending rigor mortis, have set in.

Statistically the picture looks bleaker still. There has been a fifty percent decline in ordinations over the past five years. Last year alone, some 10 percent of the secular clergy and more than 20 percent of religious opted for laicization. A religious house is shut down on an average of one a week. In the Archdiocese of Munich (over 2 million population), Catholics are formally leaving the Church at a rate of about 2,000 annually, contrasted with 900 annual dropouts in the sixties. Hundreds of churches stand nearly empty Sunday after Sunday. According to the prestigious Allensbach Institute, only 35 percent of registered Roman Catholics (who comprise 45 percent of the 60 million population of West Germany) regularly attend Sunday Mass. Ten percent do not go at all, and less than 20 percent attend in the cities.

The church exodus is tied up with the compulsory German church tax system, which evolved in the middle

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of the 19th century in the wake of Napoleon's confiscation of church properties in the 1803 Secularization decree. Today the Evangelical Lutheran and Roman Catholic denominations, to which the majority of Germans still nominally belong, have the constitutionally-guaranteed right to require all registered church members to pay 10 percent of their income tax to their respective Church. These funds are collected by the secular tax officials and then turned over to the Church authorities. Although most German dioceses now give a public accounting of their monies and permit the laity a greater voice in their distribution—and the mass withdrawal appears to have slightly abated—the implications of the controversy go far deeper than mere financial considerations.

Even those who withdraw membership from their Churches in order to get out of paying the church tax show by their very defection that the Church no longer has any meaning in their lives. But the motives for the defections run much deeper. A small but highly articulate minority is leaving in protest, in a deliberate attempt to weaken the authoritarian structure of the German Church financially. In their view the Church has failed utterly to implement the reforms of Vatican II. Still others, especially in the Evangelical Church, are leaving their Church for exactly opposite reasons—because they are confused by the involvement of their Church in politics and social questions and no longer find the inner consolation they seek in a Church. As a result these people give impetus to the various free Churches, the smaller, mostly fundamentalist denominations, not included in the tax system, and especially the German Pentecostal and Jesus People movements, which are enjoying a charismatic ascendancy.

A fourth group includes many thousands of dissatisfied Christians who for the time being prefer to remain within the Establishment. They argue that the Church of the Gospels may not enjoy the luxurious security of a church tax and are agitating for a system of voluntary contributions, as in the United States. But they are blissfully unaware of the pitfalls of the American system.

Meanwhile the German bishops have shown little interest in changing a system that gives them a guaranteed annual income and enables them to enjoy a life style that differs only technologically from that of their prince-bishop predecessors. It is no accident that of all the prelates attending the World Council of Churches Assembly at Uppsala in 1968, the German Evangelical Bishops alone appeared in chauffeur-driven limousines. And one wonders why Julius Cardinal Doepfner, whose coat-of-arms carries the motto (safely in Latin), "I preach Jesus Christ crucified," should live in a spacious palace that has been renovated twice within a decade.

If all this is indication enough to be pessimistic about the future of German Catholicism—and the Evangelical Church reveals similar symptoms of malaise—many dedicated Christians are not showing it. Indeed, one encounters boundless optimism everywhere.

It may well be that Church membership is dwindling, but the quality of those remaining is of a much better caliber than ever before. Religious vocations are on the wane, yet contemplative orders are not only holding their own, but show signs of an upswing. Adult education courses on everything from theological pluralism to abortion at the numerous Catholic and Evangelical lay academies are inevitably packed. When they schedule Zen Buddhist meditation at Munich's Catholic Academy, there is standing room only. Theological books of a soul-searching variety are continuing bestsellers, while probing radio and TV religion documentaries and newspaper features are the standard diet of millions of faith-conscious media users.

"We got rid of the dead wood," one pastor put it. "Sure, only a fraction of my parishioners still attend Mass. But what wonderful Catholics they are! They are alert and articulate. They are critical, sometimes hyper-critical, but they also assume responsibility. Why, over 80 percent go to Communion at every Mass. That never happened before."

There is no longer a Volkskirche. People no longer go to church to be seen or because it is the thing to do. On the contrary, leaving the Church is "in." Today it takes far more courage to go to church than not to go.

Perhaps for this very reason, a growing number of dedicated German Christians, no longer so silent or obedient as Germans were once wont to be, are creating quite a stir among the clergy as well as on the grass roots level.

Although there are a number of maverick groups around with a more or less Christian orientation, they do not add up to a nationwide underground movement. The "Underground Church" as known in the States somehow doesn't fit into the German mentality which, on the whole, still tends to look askance at anything that smacks of sectarianism. When the Germans do something, especially if it is radical, it has to be *"begründet"* (justified, or at least, rationalized). Like Luther, they have to elaborate with 95 theses. If an "Underground Church" ever did emerge in Germany, you can be sure that it would be organized so perfectly that it would swiftly develop into one more institution.

More importantly, Germans just don't see the need for an "Underground Church." Germany, after all, anticipated many of the Vatican II concerns—it is the home of the ecumenical and liturgical movements and of many of the world's most progressive theologians. One need only mention in passing the pioneer work of the Benedictine abbeys of Maria Laach or Beuron, or men like Karl Adam or Romano Guardini to be reminded how lightly we forget the lonely long-distance runners who smoothed the way for us today.

On the theological front, preoccupation with revolu-

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tion has subsided. In its place a critical, world-directed theology is emerging. Although the spectrum is broad, three main tendencies can be observed:

1) Although consistently fewer theology students go on to the priesthood, more lay Catholics, especially women, are studying theology than ever before.

2) Theology majors are more critical, more demanding for social and political relevance. A persistent criticism is that too many theologians still speak as if there were two areas of study, theological and secular. (The first thing you see when you open the catalogue of the University of Tübingen is the theological faculty—all the other disciplines follow.) In the view of the young Turks, there is no longer such a neat division. Dr. Thomas Bonhoeffer, nephew of the famous Dietrich, believes that the days of theology as a separate science are numbered.

3) More and more students are dropping theology as a major and substituting sociology, political science, psychology, psycho-therapy and other secular disciplines.

It is interesting, though, that a disproportionately large number of majors in other disciplines are taking theology as a minor. The Bundestag as well as the state parliaments of the Federal Republic have an unusually large number of theologically-trained deputies.

At the same time, many students are becoming restless over (Evangelical) Jürgen Moltmann's essentially theoretical approach to the "Theology of Hope," while others are wondering out loud what the Catholic theologian Johannes Metz possibly knows about politics, his "political theology" to the contrary notwithstanding. They suggest that he spend a sabbatical in the United States during an election year, or sign up for a Hamburg *"bürger-initiativ"* (citizens' initiative) for slum clearance or housing reform. Hans Küng is revered for his courageous questioning of papal infallibility and criticism of the Curia, but is regarded as essentially conservative, nobly trying to steer the Church back to its apostolic purity. But he is conspicuously—some would say notoriously—aloof from politics and social commitment.

And as for the state of German theology itself, it is still bogged down by an infinitely pedantic, speculative, inductive, theoretical and hypothetical approach to faith, God, life and death—a house of footnotes built on a foundation of verbose assumptions.

Neither the Catholic nor the Evangelical theologians have, thus far, even remotely begun to come to terms with the profound questions raised by the Third Reich. The revealing exposures of the German publicist, Carl Amery (*Die Kapitulation*), or the American Catholic sociologist, Gordon Zahn (*German Catholics and Hitler's Wars*), or the American Jewish scholar, Guenter Lewy (*The Catholic Church and Nazi Germany*) have, to a large extent, been met by hysterical denial or, even worse, disdainful silence.

To be sure, German *Wiedergutmachung* (restitution) on the political and social level has been on the whole exemplary. There has been much breast-beating, and an endless number of atonement ceremonies, monument dedications, and Brotherhood meetings are continually taking place. Impressive penance corps of both confessions have undertaken numerous reconciliation and work pilgrimages to countries ravaged by the Nazis and to Israel. But there has not emerged anything like a satisfactory substantial theological treatment of the holocaust,

Dietrich Bonhoeffer's closest friend and biographer, Professor Eberhard Bethge, sadly admits that the Evangelical Church in Germany has officially taken little notice of him. "In fact," he says, "Bonhoeffer is even looked down upon because he was too young and too undeveloped to be regarded as a proper theologian in the traditional sense." According to Bethge, the Evangelical Church has given the entire Jewish question, Luther's anti-Semitism, his *Obrigkeit* teaching (which has contributed so much to the blind obedience to authority syndrome), and the *Zwei Reich* doctrine of two empires, implying Christian aloofness in political matters, rather short shrift.

West Germany is the only country in the world where conscientious objection (upheld by both confessions) is guaranteed by the Constitution, and it has the largest number of COs in the world (one out of 20 draftees, compared to one out of 750 in the United States). Bonhoeffer and the others involved in the assassination attempts of Hitler are today honored as heroes in Germany. "But chaplains," says Bethge, "just don't know how to preach or advise on this point."

The situation is comparable to the German attitude toward concentration camp sites. Nearly all of those on German soil have been converted into beautiful memorial parks, most with an attractive modern museum attached, crammed with charts and diagrams. According to Bethge, this is all wrong. "They should have left them as they were, complete with watch towers and grisly torture chambers, as the Poles have done with Auschwitz. In their present loveliness the sites are almost inviting. One is tempted to think, 'What a beautiful way to go.' "

In the same vein, only a few theologians have ventured to elaborate on the work of the famous demyth-

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ologizer, Rudolf Bultmann. When the Catholic theologian Hubertus Halbfas several years ago attempted a rational explanation of Christ's miracles and the Virgin birth, he was soon ostracized from the official Catholic community and little has been heard of him since.

It is at once gratifying and unsettling that so many German theologians have taken what many regard as the escapist route toward almost total social immersion. A remarkable Protestant woman theologian, Dorothee Sölle, has won a wide following with her refreshingly honest, downright agnostic approach to God. Her "political prayer vigils," ecumenical worship services noted for their intense "audience participation," and graphic relevance to burning social and political issues, have been imitated all over Germany, Switzerland, Austria.

No longer content with the safe abstractions of traditional German theology, many theology students are deeply involved in social activity. A disproportionately large number of theologians, especially Protestant, are among the most dedicated members of the militant Left, and large numbers have joined the recently rehabilitated Communist party, to the consternation of the Church authorities. They work in the slums, visit the prisons, help run store-front Summerhill-type anti-authoritarian kindergartens, take part in strikes, trade union consultations, make study tours of the German Democratic Republic and other Communist countries.

Even within the Establishment, nuns and seminarians are enjoying increasing freedom of movement. Many live in slum apartments, work in factories and professions. Even staid, reactionary Maria Laach permits several of its monks to experiment with a bluejeans apostolate in a Cologne tenement.

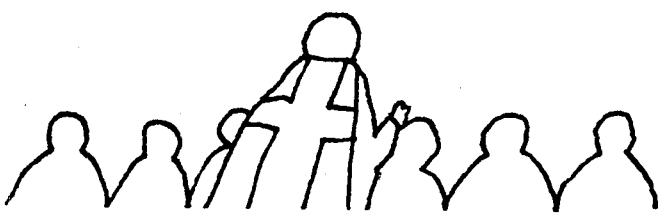
Many observers see grave dangers in these trends, and fear the eventual evaporation of theology. And as for pluralism, the bridges just aren't there. One can compare the multiple theological trends to a basket full of colored rags tossed into the air in the illusory hope that they will descend in the form of a quilt. In a recently published booklet, Karl Rahner, S.J., goes so far as to say that since Vatican II, the basic questions of theology (in spite of the constitutions on the Church, Scripture, Tradition, and the modern world) namely God, Christ and the innermost problems of Christianity, "have hardly moved ahead at all."

There is an element of crocodile tears about the demise of *Publik*. Whenever I suggested that German lay Catholics, if they really felt so strongly about *Publik*, should follow the example of the *National Catholic Reporter* and *Commonweal* in the States, and support their paper without official backing, I was regarded as downright rude. German Catholics, if the truth be told, are a pampered lot. They have a built-in system of religious instruction that is compulsory, up to the age of 14, in all public schools, and every one of the state-sponsored (but editorially independent) broadcasting studios—radio & TV—has large staffs of entire departments devoted to religious affairs, and this is where, incidentally, the leading Catholic and Protestant laymen of the country can be found. A foreign observer sometimes wonders just what do German Catholics expect.

Most chanceries are now run by efficient teams of professional lay men and women. The powerful coordinating agency of all lay Catholic organizations, the Central Committee of German Catholics in Bonn, exercises a growing and often decisive influence on all matters of national church activity and policy.

On the parish level two indispensable lay structures have been created, the *Pfarrgemeinderat* (parish council), composed of laity elected by their parishioners for three years, and the *Kirchenverwaltung* (church administration), also lay-run, for a six-year term.

In spite of the authoritarian posture of the German hierarchy, they are on the defensive. German parishes and institutions enjoy considerable freedom for innovation and experimentation. Hand Communion has long been standard practice, and so has general absolution. The Dutch catechism has now found acceptance. In a



small, but growing number of parishes, both men and women distribute Communion, sometimes wearing albs. Even the German bishops at the 1972 synod gave guarded approval for qualified lay men and women to preach. For every priest who gets "caught" practicing intercommunion, there are ten who just go ahead and do it. Soul, spirituals, beat, jazz, African tom-tom music, are frequent fare at parish Masses. Guests of every conceivable faith or complexion, often wearing colorful native costumes, appear frequently at Catholic sanctuaries. On Peace Sunday in January, representatives of non-Christian faiths preach at Catholic Masses and read from the Talmud or Koran.

Are real estate speculators driving out the aged from their low-rent apartments? Are guest workers from Mediterranean countries treated like "Germany's new Jews" (as *Publik* once put it)? Are the Vietnamese people exposed to another American bombing raid? There is hardly a German parish that is not right there with some kind of relevant action or demonstration. Priests and laity participate in demonstrations, take part in sit-ins, sympathize with strikes, and participate in block slum-clearance projects. Some parishes adopt a Third World community, or a nearby prison, as a focal point for specific help. One parish near Freiburg has been especially designed to meet the needs of the gypsies who frequently settle in its midst, including a gypsy liturgy.

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You can hardly walk down a German downtown area on a Saturday morning without encountering numerous demonstrations, and easily half of them have a Christian orientation.

Frequently lay actors will perform ten-minute modern morality plays in the sanctuary (e.g., against Apartheid or in support of development aid) instead of the sermon. The World Council of Churches' humanitarian aid to liberation groups provoked a continuing controversy throughout both confessions. However, Third World collections taken up in the churches inevitably surpass all previous records as well as those of most other causes.

While the permanent diaconate has not caught on, a new vocation is emerging, that of the lay vicar. In Austria and Switzerland, too, a number of parishes have quietly hired theologically-trained lay assistants, usually married, who exercise all of the priestly functions, including preaching, distributing Communion, but do not say Mass or hear confessions. Many see this as the first step toward declericalization. One foresees the probable use of part-time priests with other professions, including blue-collar workers. Once that happens, the celibacy problem will soon vanish into thin air. "In the early Church priests were ordinary men, not polished theologians," one pastor said: "why should it be different today?"

A number of Christian communes have come into being, mostly in the experimental stage. These are usually ecumenical and involve a greater sharing of meals and household chores, baby-sitting and the like. In Hamburg one group of young couples of both faiths bought a house, through a cooperative, designed from the beginning with a communal dining room and recreation room, used also for ecumenical services, and guest rooms separate from the other flats. In Munich an experiment is underway called the "integrated parish," including some 140 persons of all faiths, of many walks of life, of all ages. Although they live separately, they have the grudging tacit permission of the chancery to plan their own services and liturgy, and share duties for their own kindergarten, launderette, and common meals (in shifts). Elsewhere clusters of parishes join hands to share facilities and professional multi-parish teams including lay psychologists and sociologists.

There has been no letup in experimentation or protest. Some 20,000 West German Catholic rectory housekeepers recently organized their own "union," demanding more pay and a place "in the front lines of the ministry." At St. Boniface Church in Holheim the young assistant pastor, Father Herbert Leuninger, set the diocese in a dither by celebrating a pop Mass, with a juke box playing full throttle in the sanctuary, while jean-clad "acolytes" blew cigarette smoke instead of incense at the altar. Immediately after Communion, cokes and hot dogs were served on the spot.

Many West German cities have established downtown interfaith counseling centers, usually with an inviting lounge visible from the street. Completely devoid of propaganda or denominational conversion tactics, these lounges are available to anyone seeking help on any matter whatsoever. There are no questionnaires to fill out and the callers can remain anonymous. In addition, the *Telefonseelsorge* (telephone ministry) has enjoyed immense success. This consists simply of widely-advertised telephone numbers (popularly nicknamed "suicide numbers" because many of the calls are from would-be suicides), which are manned by around-the-clock interfaith teams. The service offers immediate counsel, which is often followed by institutional assistance, in some cases available even on weekends or in the evenings.

In the East

Such experimentation is virtually nonexistent in the German Democratic Republic, where the Christian denominations, although guaranteed freedom by the Constitution, still endure a stepchild existence. In spite of the overall success of Willy Brandt's *Ostpolitik*, which has considerably improved relations between the two Germanies, a Cold War climate continues to characterize the relationship between the Erich Honecker regime and the Christian Churches. East Germany's sudden thrust into worldwide prominence and respectability has made the country's leaders insecure. Avoiding sensational purges or ideological confrontation, Honecker has tightened the screws in a series of subtle measures to counteract the spirit of liberation that is sweeping into the country along with the increasing numbers of West German visitors.

Practicing Christians have been systematically excluded from many responsible posts, from teaching to management. And Christian youth have great difficulty being admitted to the universities. Arbitrary arrests of priests and lay leaders have discontinued but surveillance, harassment and the withholding of construction and operating funds have become the order of the day. There has been a revival of the State's bizarre atheistic cult, complete with marriage and burial rites, its own version of the Ten Commandments and, notably, the *Jugendweihe* (youth dedication) ceremony, a secular substitute for confirmation.

Meanwhile, there has been a decisive shrinkage of church membership and attendance. A few years ago there were more than 15 million registered Lutherans in East Germany. Today there are 10.7 million. Roman Catholics have dwindled from 2 million to 1.3 million.

Nevertheless, the East German leaders seem to have abandoned their original goal, à la Albania, of eventually wiping out religion altogether. Now they are trying to obtain more control over the GDR churches by isolating them from West Germany, not only physically

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but juridically. In 1969 the eight branches of the Evangelical Lutheran Church in East Germany were forced to sever juridical ties with the West German Evangelical Church and form their own East German association. Bishop Kurt Scharf of the Evangelical Church of Berlin-Brandenburg has been denied entry into East Berlin, where the Evangelical Church was required by a special law to appoint a new bishop for that area.

On the Catholic side the Vatican is cautiously exploring the possibility of improved ties with the GDR (there are even rumors of diplomatic recognition) and the creation of new dioceses. At present, large East German areas, including Erfurt, Schwerin, Magdeburg and Meiningen, are still technically a part of the West German dioceses of Fulda, Paderborn, Osnabrück, Hildesheim and Würzburg, respectively. At the risk of helping Honecker to isolate the Catholic Church in East Germany, it is believed that the new dioceses will nonetheless better serve the needs of the East German Catholics, who are isolated already.

The biggest bone of contention is the largest East German diocese, Berlin, which straddles West and East Berlin, but whose archbishop, Cardinal Alfred Bengsch, resides in East Berlin. So far West German bishops have not been allowed to visit their East German dioceses, but Cardinal Bengsch may occasionally visit West Berlin.

Many observers on both sides of the Berlin Wall believe that the Churches have only themselves to blame for much of the tension with the East German State. They deplore the front mentality, the hysterical Cold-War posture that still characterizes much of the Church's dealings with the State, and the lack of initiative and cooperation with the many good elements in the Communist government. Cardinal Bengsch, notorious for his standoffishness and inordinate sense of prudence, has been particularly criticized for discouraging exploratory talks between West Berlin Catholic students and East Berlin Marxists.

In spite of all this, East German Catholics have compensated for their numerical decline by the high quality of their allegiance. Ecumenical encounter is frequent and fruitful. Liturgical services are inspiring and effective. On this level, Catholics have also made bold experiments: more than 474 lay preachers regularly hold prayer services in parishes lacking priests.

It is the Lutheran Christians of East Germany who have taken the initiative on the social and political scene. They have collected substantial sums for the World Council of Churches' humanitarian aid to liberation movements. They support the GDR in its involvement in European security conferences, in the Berlin agreements, in the basic treaty with West Germany, and in agreements with Poland and the Soviet Union. When the country was boycotted from the UN Conference on Environment last year in Stockholm they were right there with their moral support.

The Christian Churches were jointly responsible for the breakthrough in the *Volkskammer* (parliament): for the first time an opposition vote was permitted on the abortion bill. Although the pro-abortion law was passed, a precedent had been established.

Many observers see an improved Church-State relationship in East Germany if Catholics could only be moved to show more initiative and cooperation in this area.

Seen as a whole, the quality of the Church in both Germanies has immensely improved since Vatican Council II. There are weaknesses: a penchant for perfectionism, with a corresponding tendency to give up too easily if reforms are not immediately forthcoming; despite greater initiative in parts of West Germany, the laity are still too passive and too submissive, too many of them expect renewal, even democratization, to be bestowed upon them complete with wrapper and label; renewal is bogged down by bureaucracy and master plans handed down from above; there is a lack of spontaneity, of tolerance, of the willingness to permit mistakes. The German Church does not so much lack leaders as coordination and collegiality on all levels. Unable to come to terms with the essential spirituality of the Gospel, many progressive Catholics seek escape rather than fulfillment in a frenzy of social commitment. Conservatives delude themselves with modern adaptations of preconciliar ghettos. Preoccupied with theory and structure, German Catholics tend to lose the human contact with their priests, their bishops, themselves. There is too much restlessness for its own sake. The progressives are forever looking at their watches, but never have time for you. While the conservatives have time for you provided you tell them what they want to hear. There are precious few bridges.

What there is, though, is a tremendous awakening of consciousness and widening of horizons, soul-searching on a massive, unrelenting, exuberant scale. Never have so many been so concerned about so much, never have so many been so dedicated, informed, articulate, involved, aroused, inspired. And that is something.

DIRTY TRICKS

THE SCREEN

To see how good Costa-Gavras' *State of Siege* is, you have to compare it to some routine political thriller—Michael Winner's *Scorpio*, for example. The two films invite comparison. Both are about the sort of Americans who are employed by our government to meddle in other people's governments, and both are aggressively anti-American, or at least anti-Americans of this breed.

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Scorpio concerns a man named Cross (Burt Lancaster), an agent of the CIA's Clandestine Operations section—the Dept. of Dirty Tricks as it's affectionately nicknamed. This time the dirty trick is on Cross himself. Section chief McLeod (John Colicos) has hired a freelance button man, "Scorpio" (Alain Delon), to liquidate Cross. Cross makes good an escape to Vienna only to have the CIA ineptly kill his wife before he can get her out too. After this Cross returns to Washington to use the skills he learned at the CIA to take revenge on McLeod.

The main character in Costa-Gavras' film doesn't lead as exciting a life as Cross. He's Philip Michael Santore (Yves Montand), and he works for AID rather than the CIA. Santore is based on a real AID official named Mitrione who was stationed in Uruguay several years ago. The Tupamaros kidnapped Mitrione, claiming he was not attached to Uruguay's national police as a traffic and communications consultant, which was the official story, but as an expert in interrogation and torture. When the government wouldn't ransom Mitrione for some political prisoners, the Tupamaros went through with their threats to execute him.

I suppose it might be argued that the differences between these two movies are merely those of emphasis and style. In *Scorpio* an American agent is revealed to be a good family man, a humane man, while in *State of Siege* a good family man is revealed to be an agent, a torturer and perhaps even a murderer. Stylistically Winner's film is arch and sinister. In some ways the Vienna of *Scorpio* even reminds us of the Vienna of *The Third Man*, especially when Winner sends Cross underground on a chase through a subway tunnel as Carol Reed sent Harry Lime down into the sewers. By contrast *State of Siege* is without exotic characters, emphatic camera angles and flamboyant action. These differences aren't merely superficial, however. It is very much the purpose of *State of Siege* to act as an antidote for a film like *Scorpio*—to take issue with *Scorpio*'s version of both politics and life.

Scorpio is the sort of film where the hero survives by again and again taking terrific chances to master a seemingly hopeless situation. Since his back is always to the wall, Cross must always elude his pursuers by attacking without a false step. When McLeod's men get him in a cul-de-sac during an auto chase, for instance, he simply throws the car in reverse and backs down a narrow alley at sixty m.p.h. until he crashes into their car, rendering them senseless while he flees unscathed.

But in *State of Siege* circumstances are not so facilely overcome. Here the heroes survive only because they seldom risk a situation not anticipated. When a police car chances to block the route of a truck carrying someone kidnapped at the same time as Mitrione, the Tupamaros try to wait for the police car to go on about its business; but when it doesn't, the revolutionaries dump their victim unharmed rather than jeopardize the rest of their operation. The experience of these Tupamaros seems to be the opposite of Cross's. Their problem is usually how to choose among possibilities, whereas his is only to do the impossible. The need to make hard moral and tactical choices typifies the action in *State of Siege* from beginning to end—from the moment the revolutionaries must decide whether to release their other kidnap victim until the time they poll all the cadres on whether to go through with the threat to kill Mitrione.

Besides being a repudiation of films like *Scorpio*, a bland, semidocumentary style suits *State of Siege* because it reflects accurately Costa-Gavras' own ideas about political action. While each new sequence in *Scorpio* finds Cross in some unique, complicated predicament, the action in *State of Siege* is simple and repetitious. The style of the film is dictated by Costa-Gavras' desire to show us this particular style of action. Even the case against Santore is built up for us in the same methodical, periodic way that the revolutionaries have developed in order to make their work as safe and efficient as possible. In dramatizations of the evidence that the revolutionaries have gathered against Santore, we see him disembarking from airplanes in one Latin American capital after another—always when there is political unrest to be put down. His emergence from these airplane hatches is repeated for us just as the revolutionaries' procedure for stealing automobiles has been. It is from this pattern of repetition, rather than from any one, climactic revelation within it, that we come to understand the truth about Santore. Ultimately that truth is made so obvious that it's almost ludicrous rather than shocking.

But then Costa-Gavras' purpose is not to shock. He's not merely making a thriller like Winner. On the other hand, though, Winner doesn't think that's all he's making either. By eventually showing Cross to love his wife more than his work, Winner tries to make Cross transcend the game of international espionage. But a game is still all politics to Winner, a game in which agents can do harm to no one except themselves and their friends. All moral questions are solved by a completely unambiguous set of rules in this film. When McLeod's men kill Cross' wife, it is clearly only an infraction of those rules, and just as clearly Cross is now entitled to penalize McLeod his life for that infraction. In the end some obscure link is established between Cross and (of all people) Scorpio's girlfriend. Once Cross has killed McLeod in retribution for his wife's death, Scorpio kills Cross and the girlfriend in retribution for their betrayal of him. Then a hand emerges anonymously from a CIA limousine to fire a shot that kills Scorpio. Like any game, the film's plot turns out to be all-consuming and complete within itself. There are no loose ends left over—no issues still to be worried about or questions still to be answered.

COLIN L. WESTERBECK, JR.

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J.F.K.: PROMISE AND REALITY

ARTHUR SCHLESINGER, JR.

Nothing is more predictable than a decline in the reputation of an American President a decade or so after his death. When I was an undergraduate in the thirties, we were taught to regard Theodore Roosevelt, who had died in 1919, as a blustering adolescent, and Woodrow Wilson, who had died in 1924, as a wrong-headed fanatic. But both Roosevelt and Wilson stocks recovered in due course on the historical exchange. For every generation is in a zone of imperfect visibility so far as the past just over its shoulder is concerned. It is as if we are swimming in the hollow of the historical wave; not until we reach the crest of the next wave can we look back and see clearly what went on before. I used this simile in 1957 in the foreword to the first volume of *The Age of Roosevelt* to explain the diminished reputation of Franklin Roosevelt a dozen years after his death. As Mr. Fairlie's book surprisingly demonstrates, FDR stocks have subsequently recovered too.

It is nearly a decade since John Kennedy was murdered in Dallas, and the inevitable revisionism is well under way. Only the other day the English historian Eric Hobsbawm, a Marxist but often a serious scholar, referred in passing to "that most dangerous and megalomaniac of Administrations—the late John Kennedy's." American writers of the New Left portray Kennedy as a rigid and fanatical cold warrior in such books as *The Kennedy Doctrine* (Louise FitzSimons) and *Cold War and Counterrevolution* (R. J. Walton). Mr. Fairlie's book is on a notably higher level and therefore deserves more extended consideration. He is no Marxist or New Leftist but rather a talented English journalist of High Tory views and Bagehotian aspirations. *The Kennedy Promise*, whatever else may be said about it, is far and away the most literate, indeed elegant, item in the revisionist literature.

Before I say anything further, I must, as one who was a friend and admirer of John Kennedy, who served in his White House and wrote a book about his Presidency, declare an interest. In addition, the book under review cites me rather frequently and not always, or often, kindly (though I would complain here only about Mr. Fairlie's eloquent sarcasm on page 226, where, taking advantage of careless phrasing on my part, he mistakes and belabors a most trivial point; obviously I never meant to imply that, as an historian, John F. Kennedy was another Thucydides or Geyl). I trust therefore that readers of this review, understanding that I came to the book with commitments of my own, will make the appropriate discounts.

The Kennedy Promise: The Politics of Expectation
HENRY FAIRLIE
Doubleday, $7.95

The first thing to be said about *The Kennedy Promise* is that it is not really about Kennedy at all. Mr. Fairlie is not, as he claims, a political journalist—i.e., a writer primarily interested in the observation of people and events. He is rather a political essayist, for whom people and events are illustrations of general themes. Moreover, he is an essayist of a definite school. When I described him as a High Tory, I did not mean that he consorts with Tory backwoodsmen in the Monday Club. I meant High Tory in a philosophical sense. Mr. Fairlie is above all a disciple of Professor Michael Oakeshott, a British political philosopher too little known in America, whose elegance exceeds Mr. Fairlie's own and whose argument has evidently inspired the argument of Mr. Fairlie's book.

Professor Oakeshott, whose lectures I used to attend at Cambridge thirty-five years ago, has written powerfully through the years in an effort to make people accept the idea of the limits of politics. He has identified three modes of experience—the historical, the scientific and the practical—and has classified politics as simply one sub-part of the practical mode. Politics is not, he argues, the whole of life, nor is it capable of governing the whole of life. Moreover, politics as a rational and purposive undertaking is generally futile when it is not positively dangerous; for ideology, slogans and catchwords, while they may temporarily derange a nation, can never take the place of a tradition of political behavior, and only tradition can keep a society in touch with the realities of the world and with its own identity. King Log is therefore better than King Stork.

In what is in effect a dramatization of Oakeshottian philosophy, Mr. Fairlie has cast President Kennedy as the leader who, ignoring the wisdom of the philosopher, tried to transcend the limits of politics and thereby did great harm to his country. Let me attempt to summarize his sharp if, in his book, unduly repetitious indictment. Kennedy replaced the politics of reality (Eisenhower) by a politics of expectation. He conveyed an exaggerated promise of what politics could achieve. He exalted personal leadership over the workings of traditional political institutions. He taught the nation to regard politicians not as politicians but as saviors. He summoned the country to confront great dangers and to expect great deeds. He magnified problems into crises (on page 14 and elsewhere; on page 259 Mr. Fairlie says that Kennedy deliberately waited for problems to turn into crises so that he could react "by a dramatic exhibition of his personal

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leadership"; it is never clear whether Mr. Fairlie thinks Kennedy encountered real crises or made them all up). He politicized "every aspiration" of American society until by the mid-sixties "every need of the American people" was believed to have a political solution. The politics of expectation inevitably led to frustration and bitter disillusion. A nation kept at fever pitch for three years by the constant invocation of crisis moved inexorably into confrontation and violence. This was Kennedy's "legacy." If only an Eisenhower had been President, Mr. Fairlie seems to say, the sixties might have been as placid as the fifties.

This tragic protagonist in Mr. Fairlie's Oakeshottian melodrama, leading his nation with noble intent into ineluctable disaster, bears only a fitful resemblance to the historical Kennedy. It is true, of course, that Kennedy was by temperament an activist. When he discussed a problem, he always wanted to know whether anything could be done about it—not perhaps a wholly unreasonable curiosity on the part of Presidents. He often found inaction painful. At the same time, Kennedy was far from incautious. "Prudent" was a favorite adjective. He had a marked capacity to refuse the escalation urged on him by far more activist activists around him—as he refused escalation during the Bay of Pigs, during the Laotian and Berlin crises of 1961, during the Cuba missile crisis in 1962. One cannot resist noting that it was the allegedly non-activist Eisenhower, so greatly cherished by Mr. Fairlie, who put the United States into the untenable position in Laos from which Kennedy extricated it and whose last words to Kennedy in their last meeting before the 1961 inauguration was that it was "the policy of this government" to aid anti-Castro guerrilla forces "to the utmost" and that the CIA plan, which soon led to the Bay of Pigs, should "be continued and accelerated."

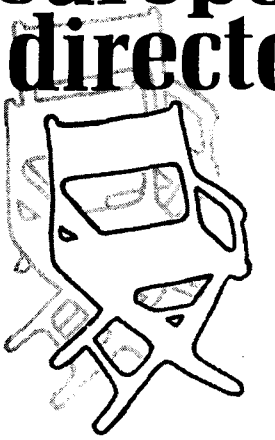
ARTHUR SCHLESINGER, JR. *won the Pulitzer Prize for his book,* A Thousand Days: John F. Kennedy in the White House.

It may also be true that programs like civil rights or the Alliance for Progress were 'oversold' in the sense that they did not accomplish at once what the American government publicly said it hoped they might accomplish. But it is hard to suppose that any large undertakings will ever get started without expansive benedictions of hope. Or at least so Americans have always thought. "Nothing great was ever achieved," as Emerson said, "without enthusiasm." Nor can I really believe that such enthusiasm was taken by very many people as exact and literal prediction, or that it created expectations that otherwise would not have existed—that an Eisenhower, declining to violate the limits of politics, would not still have confronted stirrings among the poor, the blacks, the women, the young and the Latin Americans. Is discontent produced by leaders or by life? There was unhappiness in the pond long before King Stork replaced King Log.

Mr. Fairlie makes the familiar charge that the Kennedy Administration had "all but absolute failure" in the field of domestic policy and attributes this failure to Kennedy's neglect of the traditional political institutions. Actually the Kennedy Administration had quite a solid record of domestic accomplishment, considering the narrowness of Kennedy's margin in the 1960 election. The reason the record was not better was not because Kennedy ignored Oakeshott but because he did not have the votes—a mundane consideration of the sort that rarely affects the flow of Mr. Fairlie's argument. The reason that Johnson did so much better with Congress in 1965-1966 was not because he respected the traditional institutions. It was rather because of the philanthropy of the Republicans in running Barry Goldwater for President in 1964—a humanitarian act that gave the Democrats an extra 37 seats in the House, nearly all from the north.

The 1964 election made Johnson the first Democratic President since Roosevelt's first term to have a working progressive majority in the House.

three european directors



JAMES M. WALL, Editor

The importance of film as a medium of both artistic and social expression is increasingly being recognized, due in large measure to the strong influence of contemporary directors.

Here are illuminating essays on three of Europe's most famous film directors: Luis Bunuel (by Peter Schillaci), Frederico Fellini (by Roger Ortmayer), and Francois Truffaut (by James M. Wall). Each includes a complete list of the films made by the director, as well as a bibliography of books, major articles, and reviews. Though each writer approaches his subject differently, all are concerned to clarify the major themes presented in the work of the director, and to comment on his vision as it is expressed in his films. *Three European Directors* is a timely and significant contribution to cinematic awareness.

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When Johnson lost 48 Democratic House seats two years later, he found himself, with all his skill in congressional relations, in the same condition of stalemate that has thwarted every Democratic President since 1937. Had the sequence been different, had Johnson been elected to the Presidency in 1960 with Kennedy as his Vice President, and had Johnson then offered the 87th Congress the program actually offered by Kennedy, the probability is that he would have had no more success than Kennedy—perhaps less, because he appealed less effectively to public opinion. And if Johnson had died in 1963 and Kennedy had beaten Goldwater in 1964, then Kennedy would have had those extra votes in the House, and political pundits would no doubt have contrasted his cool and effective management of the Congress with the frenetic and bumbling efforts of his predecessor.

Far from believing that personal leadership was irresistible, Kennedy was by nature a conciliator, which meant among other things that he recognized the legitimacy, or at least the existence, of other points of view. He was always hopeful that differences could be rationally worked out, whether with Krushchev and de Gaulle, or with the governors of Mississippi and Alabama, or with the president of United States Steel. He liked to quote a maxim of Liddell Hart's: "Never corner an opponent, and always assist him to save his face. Put yourself in his shoes—so as to see things through his eyes. Avoid self-righteousness like the devil—nothing is so self-blinding." But this Kennedy never appears in Mr. Fairlie's Ruritanian romance. For example, after his success in the missile crisis (which Mr. Fairlie calls "an irresponsible exercise of great power" without explaining what a responsible reaction to the nuclearization of Cuba would have been), Kennedy should have tightened the screws of crisis, according to the Fairlie script. Instead, of course, he opened up the politics of detente. But Mr. Fairlie's thesis will not permit him even to mention the American University speech or the test-ban treaty.

His book is perhaps weakest of all where it comes closest to the revisionists of the New Left—on foreign policy. Here Mr. Fairlie's grip on historical context, never firm at best, badly slips. He thus interprets the bellicose passages in Kennedy's inaugural—the unfortunate lines about paying any price, bearing any burden, meeting any hardship, etc.—as a revelation of the real Kennedy. Actually the inauguration was designed as a response to an exceedingly truculent speech, unmentioned by Mr. Fairlie, delivered a fortnight earlier by Khrushchev in Moscow. What I would regard as a more real Kennedy—at least, the Kennedy I knew—expressed himself rather plainly six months after the inaugural in a speech on the west coast:

> We must face the fact that the United States is neither omnipotent nor omniscient—that we are only six per cent of the world's population and cannot impose our will upon the other ninety-four per cent of mankind—that we cannot right every wrong or reverse each adversity—and that therefore there cannot be an American solution to every world problem.

But of course the character imagined by Mr. Fairlie could not possibly have uttered these lines, so Mr. Fairlie does not quote them.

In a ringing New Left vein, Mr. Fairlie goes on to depict Kennedy as the champion of the Pax Americana, the wholly-committed exponent of "the idea of the American Empire." Actually, as the quotation above makes clear, Kennedy simply did not believe there was an American solution to every world problem. On the contrary, he was keenly aware that nationalism was the strongest political emotion of the time, and his essential purpose in foreign affairs was to adjust American policy to what he called the "revolution of national independence" he saw going on around the world. Hence his idea of what he called the "world of diversity"—a world of nations diversified in institutions and creeds, "where, within a framework of international cooperation, every country can solve its own problems according to its own traditions and ideals." In such a world, America and Russia would find their natural levels; in any case, the policy of the two blocs was coming to an end. This was a perception far deeper than his involvement in the follies of nation-building and guerrilla-organizing—errors unquestionably, but intended, no doubt naively intended, as a means of enabling nations to defend their independence, not as a way of American domination. In the American University speech he summed up his policy in a conscious revision of Wilson's famous line: "If we cannot end now our differences, at least we can help make the world safe for diversity." Only recently Thomas Hughes, then of the State Department, now of the Carnegie Endowment for International Peace, denounced the Kennedy version, not as an affirmation of Pax Americana, but as a gratuitous surrender to un-American values.

But Mr. Fairlie records none of this.

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This is essentially because he is a dramatist rather than an historian. His penchant for drama is assisted by the fact that, for all his surface knowledgeability about America, he does not really grasp the rhythms and cadences of American politics. Again and again he seizes on something which an American reader could match from a score of Presidents as unique to Kennedy and damning proof of the unprecedented Kennedy passion to transcend the limits of politics.

For it is odd that the American President who emerges as the hero of his book, even more than Eisenhower, is Franklin D. Roosevelt. Mr. Fairlie calls him "the greatest political leader of this century." His New Deal is "one of the genuinely creative political accomplishments of this century." All this is odd because one cannot but feel that, had Mr. Fairlie visited the United States in the 1930s, he would have been brimming over with good Oakeshottian objections to Roosevelt. He could have said all the same things he now says about Kennedy (indeed, Walter Lippmann said many of them about FDR in the later thirties)—the systematic heightening of expectations, the exaltation of Presidential leadership over traditional institutions, the idea that politicians were saviors and that politics could solve everything, the summons to great dangers and great deeds, all the manifestations of the unpardonable sin, which is to transcend the limits of politics. Yet Roosevelt in Mr. Fairlie's eyes is a hero while Kennedy is a menace to the republic. Roosevelt's advantage may be that he had a good deal more than a thousand days as President—and nearly thirty years since he was President.

With all this Mr. Fairlie has written an interesting and graceful variation on Oakeshottian themes. While *The Kennedy Promise* is wrong-headed, it is rarely mean-spirited. Still, if there is a politics of expectation removed from reality, there is also evidently a literature of expectation equally removed from reality. I cannot but think that Mr. Fairlie manages to miss the whole point of the Kennedy years. What Kennedy did, after a sad decade of quiescence in American life, was to legitimate both the generous and the mordant energies in American society. For a brief time, he enabled Americans to respect and trust their government. He held out the hope that intelligence applied to government could improve the national condition. And he gave individual citizens a sense of their own power and obligation in the political process. We will get back to all this in time. I have no doubt that the Kennedy promise will not in the end be seen as this Oakeshott-Fairlie heresy but rather as a charter for the fulfillment of what Herbert Croly in a powerful book that Mr. Fairlie might sometime read called the promise of American life.

Catholic America

JOHN COGLEY

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PAUL R. MESSBARGER

There is a double irony in the title of John Cogley's history of American Catholicism. It recalls that once-durable prophecy—a bitter threat to many American Protestants—of the eventual domination of the United States by the Church of Rome. Today's reader will likely find in the phrase "Catholic America" a source of amusement, a response appropriate to a studied anachronism. But John Cogley, perhaps more than any other living Catholic, has earned the right to use that irony, having worked for so long to dispel that fear and reconcile these old combatants.

A second irony emerges in the theme of the study itself. For if there is a discernible direction to these three hundred years, according to *Catholic America*, it is a progressive bending of Roman Catholicism to American and modern ways: toward wider participation in the policy deliberations of the Church, toward an increasing respect for openness and candor in those deliberations, toward acceptance of a necessary latitude of belief and behavior within the Church and of religious pluralism in the larger community.

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REVIEWERS

PAUL R. MESSBARGER is the author of *Fiction with a Parochial Purpose: Social Uses of American Catholic Literature, 1884-1900* (Boston University Press).

ELLIOTT WRIGHT is with Religious News Service.

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startling revelations, no secrets exposed, no particular part of the progressive conventional wisdom is overturned. But for its consistent lucidity, its balance of judgment, and the personal authority of the author, the work deserves the respect of the historian and general reader alike.

The first of two large divisions, a comprehensive sketch of Church history from Colonial times to Vatican II, is a sane and sensitive ordering of a large variety of events and personalities. The shape of the narrative is provided by the clerical personalities who dominate this history and the controversies they encountered. Thus John Carroll, the first bishop of the American Church, quietly presides over the late Colonial and early Republic periods, winning by his urbanity, mildness, and good sense, the regard of the secular leadership. More strenuous times brought a tougher leadership, largely Irish, and by a combination of luck and genius the Church of the nineteenth century survived and prospered. There were internal crises, of course: massive and unplanned immigration, dispersion of the faithful over the Continent, ethnic challenges to assimilationist policies, squabbles over ownership of church property. And the non-Catholic world applied its own pressures, especially a persistent and often virulent anti-Catholicism. Through it all, however, Cogley finds the principal challenge in the need to find a workable relationship with American society and its institutions.

Cogley's heroes of that era are the progressive priests and bishops—John England, James Gibbons, John Ireland, Isaac Hecker—who fought to enlarge the boundaries of Catholic awareness, and to exploit the riches of the adopted culture. The villains accordingly are those who resisted assimilation and fought for a policy of withdrawal and retrenchment. In a sense, as Cogley shows, both parties won: the Catholicism of 1900 was thoroughly ghettoized; to a profound degree, however, the sub-culture revealed itself as powerfully Americanized: loudly loyal to U. S. public institutions and imitative in its multiple activities and organizations of Protestant and secular America. The twentieth-century sequel describes, at least to the time of Vatican II, a nearly inflexible extension of earlier arrangements.

The second half of the book is topical and analytical, providing Cogley an opportunity to examine the social components, the images, and the issues that define the American Church. These are generous accounts of the ethnic composition, the authority structure, the behavioral characteristics, and the peculiar institutions of American Catholicism, especially the schools. Here also are recorded the personalities and contributions of a host of prominent churchmen, including Orestes Brownson, Cardinals Spellman and Cushing, and Father John Courtney Murray.

For this reviewer, the best of the book deals with that part of the Catholic story of which the author was himself a witness and in which he was often a participant: the "era of the *Commonweal*," the Second Vatican Council, and the heady and confusing post-Council period. Although Cogley maintains a scrupulously detached perspective, one finds in these accounts the fruit of intimate association and personal engagement. Here are reenacted the old battles with and among the episcopacy: over the Spanish Civil War, the Catholic Worker Movement of Dorothy Day, conscientious objection to war, birth control, censorship, McCarthyism, and a host of related issues. The book ends with an assessment of the present state of Catholicism and a wary glimpse into the future. It is this final speculative note that confirms a feeling one has throughout the book, that one is examining a phenomenon now quite dead. According to Cogley, what next appears to carry the evangelical burden will be recognized by qualities virtually unrelated to the institutional Catholicism of the past, a "sectarian" Christianity of prophetic vision and heroic courage. And that is a judgment that's difficult to dispute.

But while we watch and wait for that quickening of the spirit, I have a feeling that a lot of Catholics will be engaged in another kind of activity which this book itself signals. Like those revisionist American historians of the early years of this century, we have scoured our past of myth and fable; we have dethroned and exiled the guardians of our child's garden of ideological security and talismanic enchantment. But the exhilaration of patricide is faded. We seem now, in our new and enforced maturity, to be ready to reencounter our history in a different spirit, to begin a search for

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a "usable past," a past of authentic value which we can accept and affirm. If I am right, the documents that emerge from this enterprise are likely to be the result of personal exploration, works primarily of the imagination. And among them, I for one would hope to find the memoirs of John Cogley.

IN BRIEF

IF THE CHURCH IS TO SURVIVE . . . *by Louis Evely, Doubleday, $4.95.* Louis Evely is shooting at the bishops again. He uses good ammunition (the "people of God" vs. church imperialism); aims carefully (the hierarchy is responsible for a crisis in Catholic confidence), and fires with resolve (a united church, led by Christ, must serve the world).

The verbal bullets, zinging for over a decade, of the laicized alumnus of the University of Louvain, do less direct damage to systems and their guards than they serve as rally signals for those outside the fortress of the magisterium. At least, that has been the case in the past.

While Evely's Gospel-centered passion—really "protestant" in many respects—remains on target, the shouts of "crisis" and the stress on "survival" (both institutional preoccupations) seem rather worn out. Neither God nor the Gospel, as Evely knows, are dependent on the hierarchy for life. The energy of battle might better be spent in evangelism and celebration.

Why is it that people want sanction from systems and authority figures they no longer respect?

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Steinfels (cont.)

still no evidence that this is not the outcome the President would have preferred.

At bottom, the Administration has believed that the few in power must be trusted more than the many out of power, and that the press, courts, and Congress should be integrated into a well-managed system to buttress the authority of the few. Watergate shows us the possible consequences of such a belief. It is a philosophy for a Regime of Colonels.

CORRESPONDENCE

(Continued from page 275)

in nonpublic education is demagogic nonsense. As Mr. Mullaney so accurately pointed out: "between 1961 and 1971, while Catholic enrollment declined 17 percent, the figures for independent and church-related schools of other sects rose 66 percent." Obviously, a good many nonpublic schools are doing all right.

Many Catholic parents are freely choosing, for non-economic reasons, to withdraw their children from church schools. Many of them prefer a public school education—one which involves no separation or segregation from the community in which one lives.

If Catholic school enrollment continues a gradual decline and other trends remain the same, I submit that there is no reason for undue public concern about increased enrollments in the public schools. I, for one, recognize the responsibility to provide a good public education to all who seek it and would welcome all who make this choice into the public schools.

The tax credit scheme is just another blatant effort to evade the clear intent of our Constitution's First Amendment. The principal purpose and effect of tax credits for nonpublic school parents is to aid church schools. Can anyone deny this? And is this not unconstitutional?

There is also the matter of the "segregation academies." Should racism receive a tax credit?

When one group of persons receives tax credits, the others must make up the difference in higher taxes if governmental revenue needs remain the same. Is it right that a non-Catholic must pay higher taxes while government encourages (through tax credits) attendance at Catholic schools?

The question remains: Will justice or selfishness prevail on the issue of tax credits for church school parents?

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